

Message

From: McIntosh, Chad [mcintosh.chad@epa.gov]
Sent: 7/22/2020 12:54:24 PM
To: Mason, Scott [Mason.Scott@epa.gov]
CC: Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
Subject: RE: R6 RTOC - McGirt and SAFETEA

Flag: Follow up

Thank you – I had discussions with Ken and Matt last night regarding how to handle

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

From: Mason, Scott <Mason.Scott@epa.gov>
Sent: Tuesday, July 21, 2020 5:38 PM
To: McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Subject: Fwd: R6 RTOC - McGirt and SAFETEA

Chad — FYI.

SM

Sent from my iPhone

Begin forwarded message:

From: "Byrne, Andrew" <Byrne.Andrew@epa.gov>
Date: July 21, 2020 at 4:35:40 PM CDT
To: "Mason, Scott" <Mason.Scott@epa.gov>, "Zimmer, Nathaniel" <zimmer.nathaniel@epa.gov>
Cc: "Wright, Felicia" <Wright.Felicia@epa.gov>
Subject: R6 RTOC - McGirt and SAFETEA

Scott and Nate,

An update on a unique issue coming out of last week's Supreme Court *McGirt* decision, this may be raised during tomorrow's RTOC and shortly with OGC and R6 leadership.

OGC has informed me that in the next 1-2 days the State of Oklahoma is expected to formally invoke a provision in the Safe, Accountable, Flexible, Efficient Transportation Equity Act (known as SAFETEA) which allows them to assume environmental program responsibility in Indian country in the State. I believe Matt Leopold previously reached out to you on this, please let me know if you need additional background on this law. The Region 6 tribes are likely aware of this pending request and it will be of major interest to them.

Ex. 5 Deliberative Process (DP)

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Thanks, please let me know if you have any questions.

Andy Byrne

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